

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>IN RE:</b>  <b>GEORGE DALE WIGINGTON, DBA LAW OFFICE OF G.D. WIGINGTON PLLC,</b>  <b>DEBTOR</b>  _____ /	§ § § § § § § § § §	<b>CASE NO.: 22-31780-swe13</b>   <b>CHAPTER 13</b>
---	--	--

**OBJECTION TO CONFIRMATION OF AMENDED PLAN**

COMES NOW, US Bank Trust National Association, Not in Its Individual Capacity but Solely as Owner Trustee for VRMTG Asset Trust (“Secured Creditor”) by and through its undersigned attorneys, and for its Objection to Confirmation of Debtor’s Amended Chapter 13 Plan, herein states and alleges as follows:

1. This Court has exclusive jurisdiction over this proceeding. The Debtor filed this Petition under Chapter 13 of the United States Bankruptcy Code on or about September 28, 2022.
2. Secured creditor is a secured creditor holding a secured claim against Debtor’s property known as 2451 Elm Grove Road, Wylie, TX 75098.
3. As of the petition date, Secured Creditor’s approximate total secured claim is \$156,343.11 and the underlying loan is scheduled to mature on January 1, 2025. Secured Creditor filed a Total Debt Proof of Claim Number 5 on December 1, 2022.
4. Debtor’s Amended Plan (**Docket No. 50**) does not provide for ongoing taxes or insurance.
5. Debtor’s Amended Plan (**Docket No. 50**) only provides for an interest rate of 5%. Because Secured Creditor has a Total Debt Claim, it should be paid through the Plan at the

appropriate interest rate pursuant to *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004).

6. Therefore, the plan fails 11 U.S.C. §1322 (b)(2)-(3), and pursuant to 11 U.S.C. §1325 (a)(5) the plan cannot be confirmed.

WHEREFORE, US Bank Trust National Association, Not in Its Individual Capacity but Solely as Owner Trustee for VRMTG Asset Trust prays that its Objection to Confirmation of Amended Plan be sustained, and for all further relief as is just and proper.

Dated: January 24, 2023

Respectfully Submitted,

/s/Kristin A. Zilberstein  
Kristin A. Zilberstein, Esq.  
TXBN: 24104960  
THE PADGETT LAW GROUP  
5501 East LBJ Frwy., Suite 925  
Dallas, TX 75240  
(850) 422-2520 (telephone)  
(850) 422-2567 (facsimile)  
Kris.Zilberstein@padgettlawgroup.com  
Attorneys for Creditor

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on January 24, 2023, I caused a true and correct copy of the foregoing Objection to Confirmation be served upon the parties on the attached Service List by electronic notice and/or by First Class U.S. Mail as indicated thereon:

By: /s/ Gina L. DeAngelo  
Gina L. DeAngelo

**SERVICE LIST (CASE NO. 22-31780-swe13)**

*Debtor*

George Dale Wigington  
2451 Elm Grove Road  
Wylie, TX 75098

*Attorney*

Dale Wigington  
Dale Wigington  
2451 Elm Grove Road  
Wylie, TX 75098

*Trustee*

Thomas Powers  
105 Decker Court, Ste 1150  
Irving, TX 75062

U.S. Trustee  
United States Trustee  
1100 Commerce Street  
Room 976  
Dallas, TX 75202